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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/748,315

12/22/2000

Serge Willenegger

PA000187

9085

23696

7590

02/23/2004

Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
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EXAMINER

CORRIELUS, JEAN B

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/748,315

Applicant(s)

WILLENEGGER, SERGE

Examiner

Jean B Corrielus

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's background of the invention in view of Long et al US patent No. 6,388,583.

As per claims 1, 2, 8 and 20, Applicant's background of the invention discloses a method and apparatus comprising the steps of spreading a data information by a spreading factor to generate spread data information see page 4, lines 10-13; transmitting control information in a control frame in a dedicated channel 106; said control frame being associated with said data information said control frame containing the spreading factor 112 ; transmitting the spread data information in a data over a shared channel 102; receiving said control frame by a receiver fig. 2; extracting

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said spreading factor from said control frame using element 252; receiving said frame by said receiver on line 251 ; recovering said data information from said data frame by using said spreading factor using element 258.

However, applicant's background of the invention does not teach the used of a buffer to store the data in the transmitter with respect to the control signal. Using a buffer in the transmitter to buffer a data signal with respect to the control signal is old and well established in the art. For instance Long et al US patent No. 6,388,583 teaches in fig. 1 a transmit buffer used in the transmitter to store data signal prior to generating transmit signal TS with respect to the generation of control signals CS and DT. Given that, it would have been obvious to one skill in the art at the time of the invention to incorporate such a teaching in applicant's background of the invention in order to prevent data lost.

As per claims 3, 11 and 21, said control information is in a TFCI 112 in a DPCH frame 118 in said dedicated channel 106.

As per claims 4, 10,12 and 22, the TCFI includes the spreading factor see page 4, lines 13-14.

As per claims 5 and 13, said signal further includes voice information 110 on said dedicated channel 106.

As per claims 6 ,14, 23 and 24, said voice information 110 and said control information 112 are transmitted in a DPCH 118 frame in said dedicated channel 106.

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As per claims 7 ,15 and 25, said control information is in a TFCI 112 in a DPCH frame 118 in said dedicated channel 106 and the TCFI includes the spreading factor see page 4, lines 13-14.

As per claim 9, the buffer inherently has to store the data information as data symbols.

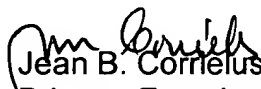
As per claims 16 , 18, 26 and 28, said spreading factor is is supplied to a Walsh cover in said transmitter for Walsh covering said data information see page 6, lines 2-3.

As per claims 17, 19, 27 and 29, the spreading factor is supplied to a Walsh decoder 258 in said receiver.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is (703) 305-4023. The examiner can normally be reached on Monday-Thursday from 7:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour, can be reached on (703) 306-3034.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

  
Jean B. Corrielus  
Primary Examiner  
TC-2600

2/19/04